



Attorney Docket No. 10892-003-999

**REMARKS**

It is acknowledged that the Examiner has allowed claim 13.

The Examiner rejected claims 1, 6, 8, 10-12, and 33-39 under 35 U.S.C. § 102(b) as being anticipated by Matsen, III et al. (U.S. 5,236,432) (hereinafter "Matsen").

The Applicant has amended claim 1. Claim 1 now includes the limitation of original claim 7 which was indicated to be allowable by the Examiner. This amendment incorporates the limitation that the robot has at least three actuators mounted on its base. This limitation is not found in Matsen. Therefore, claim 1 is now in condition for allowance and it is respectfully requested that the rejection be withdrawn and the claim allowed. Claims 6, 8, 10-12, and 33-35 depend from claim 1. Therefore, the rejection of these claims has become moot based on their dependency from claim 1. In addition, these claims recite further limitations not taught in the prior art made of record. For example, claim 6 recites a parallel robot. Matsen does not teach a parallel robot. Accordingly, it is respectfully requested that the rejection of these claims be withdrawn and the claims allowed. Claims 36-39 have been canceled without prejudice in the instant amendment.

The Examiner rejected claims 9 and 40-44 under 35 U.S.C. § 103(a) as being unpatentable over Matsen in view of Jensen et al (U.S. 5,814,038) (hereinafter "Jensen").

It is respectfully submitted that the rejection of claim 9 is now moot because of its dependency from now allowable claim 1. Therefore, it is respectfully requested that the rejection of claim 9 be withdrawn and the claim allowed. Claims 40-44 have been canceled without prejudice in the instant amendment.

Finally, the Examiner objected to claims 2-5 and 7 as being dependent from a rejected base claim, but would otherwise allow these claims if rewritten in the independent form including all the limitations of the base claim from which they depend and any intervening claims. Claims 2-5 depend from claim 1, therefore it is respectfully submitted that the objection to these claims is now moot. Accordingly, it is respectfully requested that the objection of these claims be withdrawn and the claims allowed.

Claims 7 and 36-44 are canceled without prejudice. The applicant reserves the right to pursue the subject matter of these claims in a continuation, divisional, or continuation-in-part application.

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In view of the foregoing it is respectfully submitted that the application is now in condition for allowance.

It is not believed that any fees are due at this time, however, if it is determined that a fee is due, authorization is given to charge any necessary fee to Pennie & Edmonds LLP's Deposit Account No. 16-1150.

Date: March 4, 2003

Respectfully submitted,



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**APPENDIX A**

**Amendment to the Claims**

1. (Amended) A surgical system, comprising:  
a surgical robot for manipulating a surgical tool to a surgical site with precise  
positioning during a surgical procedure;

an attachment member configured and dimensioned to attach the surgical  
robot to a bone associated with said surgical site; [and]

a controller programmed prior to said surgical procedure to direct the robot to  
position the surgical tool at the surgical site; and

wherein said robot comprises at least 3 actuators mounted on a base  
member, said actuator being configured for at least translational or rotational movement.

7. Canceled.

36. Canceled.

37. Canceled.

38. Canceled.

39. Canceled.

40. Canceled.

41. Canceled.

42. Canceled.

43. Canceled.

44. Canceled.

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